

DEC 15 2004

PATENT

CUSTOMER NO. 20995

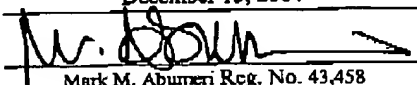
Docket No.: IRDM.056CP

Applicant : Mark W. Miles  
U.S. App. No. : 09/413,222  
Filed : October 5, 1999  
For : PHOTONIC MEMS AND STRUCTURE:  
Group Art Unit : 2873  
Examiner : Dang, Hung Xuan

## CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to the USPTO Central Fax No. (703) 872-9306 on the date shown below:

December 15, 2004

  
Mark M. Abumeri Reg. No. 43,458

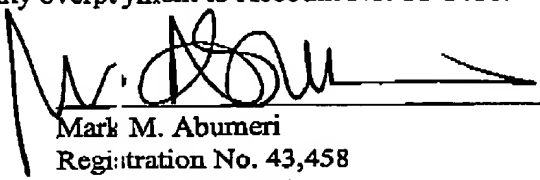
## TRANSMITTAL LETTER

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing please find:

- (X) Establishment of Right of Assignee to Take Action and Revocation and Power of Attorney (2 pages).
- (X) A first assignment executed by Mark W. Miles to Etalon, Inc. on January 19, 2000 (2 pages).
- (X) A Certificate of Merger of Etalon, Inc. into Iridigm Display Corporation executed on October 31, 2000 (2 pages).
- (X) A second assignment executed by Iridigm Display Corporation to IDC, LLC on October 1, 2004 (5 pages).
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 11-1410.

  
Mark M. Abumeri  
Registration No. 43,458  
Attorney of Record  
Customer No. 20,995  
(615) 235-8550

S:\DOCS\MMA\MMA-9318.DOC\ver/121504

DEC 15 2004

IRDM.056CP

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mark W. Miles )  
U.S. App. No. : 09/413,222 )  
Group Art Unit: 2873 )  
Filed : October 5, 1999 )  
For : PHOTONIC MEMS AND )  
STRUCTURES )  
Examiner : Dang, Hung Xuan )

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCAION AND POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original assignment(s) and/or merger document(s) (hereinafter collectively the "Assignment") of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

U.S. App. No. : 09/413,222  
Filed : October 5, 1999

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, Customer No. 20,995, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use Customer No. 20,995 for all communications.

IDC, LLC

Dated: November 22, 2004

By: ALFRED P. HILDEBRAND  
Name: ALFRED P. HILDEBRAND  
Title: PRESIDENT

Address: 2415 Third Street, Suite 235  
San Francisco, CA 94107

S:\DOCS\MM\MMMA-9166.DOC\ven/102004

Agency's Docket No.: 01568-010001

ASSIGNMENT

For valuable consideration, I, Mark W. Miles, of San Francisco, CA, hereby assign to, ETALON, INC. a Massachusetts corporation having a place of business at: 2565 Third Street, Suite 205, San Francisco, CA 94107, and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the inventions and improvements which are subject of an application for United States Patent signed by me this day, entitled, PHOTONIC MEMS AND STRUCTURES filed October 5, 1999, and assigned U.S. Serial Number 09/413,222, and I authorize and request the attorneys appointed in said application to hereafter complete this assignment by inserting above the filing date and serial number of said application when known; this assignment including said application, any and all United States and foreign patents, utility models, and design registrations granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and I authorize the Assignee to apply in all countries in my name or in its own name for patents, utility models, design registrations and like rights of exclusion and for inventors' certificates for said inventions and improvements; and I agree for me and my respective heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this assignment.

Attorney's Docket No.: 01568-010001

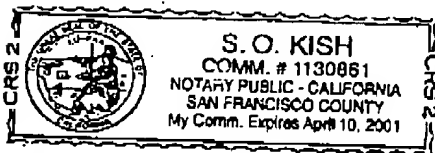
IN WITNESS WHEREOF, I hereto set my hand and seal at San Francisco, CA,  
this 19<sup>th</sup> day of December, 1999,  
2000  
Mark W. Miles L.S.

State of California:

: ss.

County of San Francisco

Before me this 19<sup>th</sup> day of January, 2000,  
December, 1999, personally appeared known to  
me to be the person whose name is subscribed to the foregoing Assignment and acknowledged  
that he executed the same as his free act and deed for the purposes therein contained.



[Notary's Seal Here]

Notary Public S.O. KishMy Commission Expires: 4-10-01

20012458.doc



STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 09:00 AM 10/31/2000  
001550173 - 2930958

**CERTIFICATE OF MERGER****OF**

**ETALON, INC.**,  
a Massachusetts corporation

**INTO**

**IRIDIGM DISPLAY CORPORATION,**  
a Delaware corporation

Under Section 252(c) of the Delaware General Corporation Law, Iridigm Display Corporation, a Delaware corporation, hereby certifies that:

**FIRST:** The name and state of incorporation of each of the constituent corporations to the merger are (1) Etalon, Inc., a Massachusetts corporation, and (2) Iridigm Display Corporation, a Delaware corporation.

**SECOND:** An agreement and plan of merger (the "Agreement and Plan of Merger") providing for the merger of Etalon, Inc., a Massachusetts corporation (the "Disappearing Corporation"), into Iridigm Display Corporation, a Delaware corporation (the "Surviving Corporation"), has been duly approved, adopted, certified, executed and acknowledged in accordance with Section 252(c) of the Delaware General Corporation Law.

**THIRD:** The full name of the Surviving Corporation is Iridigm Display Corporation.

**FOURTH:** The certificate of incorporation of Iridigm Display Corporation, a Delaware corporation, shall be the certificate of incorporation of the Surviving Corporation.

**FIFTH:** The Agreement and Plan of Merger as executed is on file at the principal place of business of the Surviving Corporation at:


2565 Third Street, Suite 205  
San Francisco, CA 94107


**SIXTH:** A copy of the Agreement and Plan of Merger will be furnished by the Surviving Corporation, on request and without cost, to any stockholder of any constituent corporation.

**SEVENTH:** The aggregate number of shares of stock which the Disappearing Corporation has the authority to issue is 100 shares, all of which shares have no par value and are designated common stock.

0457107.02

Indign Display Corporation, a Delaware corporation, has caused this Certificate to be signed in Menlo Park, California, by Erik J. Larson, its President and Edmund S. Ruffin, Jr., its Secretary, who affirm under penalties of perjury that the facts stated in this Certificate are true this October 21, 2000.

By:   
Erik J. Larson, President

By:   
Edmund S. Ruffin, Jr., Secretary

## PATENT ASSIGNMENT

This PATENT ASSIGNMENT (the "Assignment") dated October 1, 2004 (the "Effective Date") is made by IRIDIGM DISPLAY CORPORATION, a Delaware corporation (the "Assignor") to IDC, LLC, a Delaware limited liability company (the "Assignee").

## INTRODUCTION

The Assignor has certain ownership interests in the patents and patent applications listed on Exhibit A.

The parties desire to have a recordable instrument assigning from the Assignor to the Assignee all of the Assignor's ownership interests in and to the patents and patent applications listed on Exhibit A and any and all provisionals, continuations, divisions, continuation-in-parts, reissues, reexaminations, extensions, substitutions, and foreign counterparts thereof, including all United States and foreign patents issuing therefrom, and with respect to all European Patent Convention patents and patent applications, including corresponding rights in national patents in any member state in which the European Patent, when granted, is nationalized (all of the foregoing, collectively, the "Patents").

## AGREEMENT

NOW, THEREFORE, in accordance with the obligations to assign the Patents and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Assignor agrees to the foregoing and as follows:

1. The Assignor does and will sell, assign and transfer to Assignee, the Assignor's entire ownership interest in and to each of the Patents, including, without limitation, the rights to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

2. The Assignor agrees that, upon request and without further compensation, and at the expense of the Assignor, the Assignor and the Assignor's legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing each of the Patents in the United States and throughout the world, and for perfecting recording, or maintaining the title of Assignee, and Assignee's successors and assigns, in and to each of the Patents in the United States and throughout the world. In the event that Assignee is unable for any reason to secure an Assignor's signature to any document that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing each of the Patents in the United States and throughout the world, or for perfecting, recording, or maintaining the title of Assignee, and Assignee's successors and assigns, in and to each of the Patents in the United States and throughout the world, the Assignor hereby irrevocably designates and appoints Assignee and Assignee's duly authorized officers and agents as the Assignor's agents and attorneys-in-fact to act for and on the



Assignor's behalf and instead of the Assignor to execute such document, all with the same legal force and effect as if executed by the Assignor.

3. The Assignor authorizes and requests the Assistant Commissioner for Patents of the United States and the various counterparts thereof throughout the world to issue and/or grant any Letters Patent granted for each of the Patents to Assignor, its successors and assigns, as the assignee of the entire interest in such Patents.

IRIDIGM DISPLAY CORPORATION

By: 

Name: JOHN BATES

Title: CHIEF OPERATING OFFICER

## EXHIBIT A

August 30, 2004

Country	Filed	Serial #	Issued	Patent #	Status
<u>VISIBLE SPECTRUM MODULATOR ARRAYS</u>					
EPC	05/01/1995	95918880.6			NAT PHASE
JAPAN	05/01/1995	7-529030			NAT PHASE
UNITED STATES	05/05/1994	08/238,750	11/10/1998	5,835,255	ISSUED
WIPO	05/01/1995	PCT/US95/05358			ABANDONED
UNITED STATES	04/23/1986	06/855,166			ABANDONED
UNITED STATES	03/04/1988	07/166,744			ABANDONED
UNITED STATES	01/12/1989	07/296,896			ABANDONED
UNITED STATES	03/05/1990	07/489,794			ABANDONED
UNITED STATES	11/18/1991	07/794,819			ABANDONED
UNITED STATES	05/01/1993	08/032,711			ABANDONED
UNITED STATES	02/25/2002	10/082,397			PENDING
<u>INTERFEROMETRIC MODULATION</u>					
JAPAN	11/06/1996	09-518276			PENDING
UNITED STATES	07/31/1996	08/688,710	03/21/2000	6,040,937	ISSUED
UNITED STATES	01/27/1999	09/238,340	04/25/2000	6,055,090	ISSUED
UNITED STATES	11/16/1995	08/554,630			ABANDONED
<u>INTERFEROMETRIC MODULATION OF RADIATION</u>					
UNITED STATES	12/19/1996	08/769,947			ABANDONED
UNITED STATES	10/10/2001	09/974,544	01/20/2004	6,680,792	ISSUED
UNITED STATES	11/21/2001	09/991,378			PENDING
UNITED STATES	02/19/2002	10/078,282			PENDING
UNITED STATES	04/07/1999	09/966,843			ALLOWED
UNITED STATES	01/05/2004	NOT ASSIGNED			PENDING
<u>VISIBLE SPECTRUM MODULATOR ARRAYS</u>					
UNITED STATES	11/05/1996	08/744,253	11/05/1996	5,986,796	ISSUED
UNITED STATES	08/20/1999	09/378,143			ABANDONED
<u>INTERFEROMETRIC MODULATION OF RADIATION</u>					
SOUTH KOREA	10/09/1999	2000-7011227			NAT PHASE
TAIWAN	04/07/1999	88105551			ABANDONED
TAIWAN	04/07/1999	89113021	TW165294	10/02/2002	ISSUED
UNITED STATES	04/08/1998	09/056,975	6,674,562	01/06/2004	ISSUED
WIPO	04/01/1999	US99/07271			PENDING
<u>PHOTONIC MEMS AND STRUCTURES</u>					
UNITED STATES	10/05/1999	09/413,222			PENDING
WIPO	07/10/2001	US01/41341			PENDING
UNITED STATES	11/13/2001	10/012,092	6,650,455		ISSUED
UNITED STATES	08/19/2002	10/224,029			PENDING

Gray Cary\GT\6398300.3  
683142-136695

TAIWAN	3/22/2002	91105559			PENDING
JAPAN	07/10/2001	2003-512759			PENDING
SOUTH KOREA	07/10/2002	2004-700433			PENDING

DIRECTLY LAMINATED TOUCH SENSITIVE SCREEN

UNITED STATES	06/05/2001	09/875,401			PENDING
---------------	------------	------------	--	--	---------

HERMETIC SEAL AND METHOD TO CREATE SAME

UNITED STATES	08/01/2001	09/921,196	6,589,625	07/08/2003	ISSUED
---------------	------------	------------	-----------	------------	--------

CONTROLLING MICRO-ELECTROMECHANICAL CAVITIES

UNITED STATES	02/12/2002	10/076,224	6,710,508	03/23/2004	ISSUED
---------------	------------	------------	-----------	------------	--------

A METHOD FOR FABRICATING A STRUCTURE FOR MICROELECTROMECHANICAL SYSTEMS (MEMS) DEVICE

UNITED STATES	02/12/2002	10/074,562			ALLOWED
WIPO	04/29/2002	US02/13442			PENDING

MICROELECTROMECHANICAL SYSTEMS DEVICE AND METHOD FOR FABRICATING SAME

UNITED STATES	02/27/2002	10/084,893	6,574,133	06/03/2003	ISSUED
WIPO	04/29/2002	US02/13462			PENDING

A DEVICE HAVING A LIGHT-ABSORBING MASK AND A METHOD FOR FABRICATING SAME

UNITED STATES	07/02/2002	10/190,400	6,741,377	05/25/2004	ISSUED
WIPO	06/27/2003	US03/20433			PENDING

CONTROLLING ELECTROMECHANICAL BEHAVIOR OF STRUCTURES WITHIN A MICROELECTROMECHANICAL SYSTEMS DEVICE

UNITED STATES	09/18/2003	10/251,196			PENDING
WIPO	09/20/2002	US03/30016			PENDING
TAIWAN	09/18/2003	92125860			PENDING

A METHOD FOR MANUFACTURING AN ARRAY OF INTERFEROMETRIC MODULATORS

UNITED STATES	04/15/2003	10/414,594			PENDING
---------------	------------	------------	--	--	---------

THIN FILM PRECURSOR STACK FOR MEMS MANUFACTURING

UNITED STATES	06/24/2003	10/606,001			PENDING
---------------	------------	------------	--	--	---------

SEPARABLE MODULATOR

UNITED STATES	08/19/2003	10/644,312			PENDING
---------------	------------	------------	--	--	---------

AREA ARRAY MODULATION AND LEAD REDUCTION IN INTERFEROMETRIC MODULATOR ARRAYS

UNITED STATES	12/09/2003				PENDING
---------------	------------	--	--	--	---------

METHOD TO CHANGE TEMPORAL RESPONSE OF IMODS

Gray Cary/AGTV6398300.3  
683142-136695

UNITED STATES 03/03/2004

PENDING

IMOD WITH INTEGRATED SHUNT RESISTOR NETWORK

UNITED STATES 02/03/2004

PENDING

INTEGRAL MODULATOR ILLUMINATION

UNITED STATES 03/04/2004

PENDING

MEMS DEVICES WITH UNRELEASED THIN FILM COMPONENTS

UNITED STATES 11/03/2003

PENDING